

EXHIBIT A

DECLARATION OF MICHAEL STERN

I, Michael Stern, declare under penalty of perjury as follows:

1. My name is Michael Stern, I am currently the Director of Operations and Information Technology and have been employed by the Alliance of Artists and Recording Companies ("AARC") since 2005. I am responsible for all data housed within AARC's royalty distribution database, which contains Nielsen SoundScan ("SoundScan") sales data¹, foreign sales data, associated repertoire data, and confidential membership data to facilitate AARC's distribution process. My expertise also includes managing AARC's information technology infrastructure. Additionally, I have fifteen years of information technology experience. It is through this professional relationship that I have become familiar with SoundScan record sales data, the data my following testimony is based upon. SoundScan sales data is the core of AARC's royalty distribution process and over the past ten years of managing AARC's database, I have become an expert at mining the raw SoundScan data AARC purchases from Nielsen.
2. I confirm that AARC's Royalty Distribution System uses SoundScan data to determine the annual allocation of the DART Sound Recordings Fund royalties among claimants before the Copyright Royalty Board.
3. I have reviewed the 2015 SoundScan record sales data in the AARC Royalty Distribution System, based on the claim of the sole featured recording artist Non-Settling Claimant, and found as follows:
 - a. Herman Kelly listed fifty-eight (58) titles in his claim, but he only identified himself as the featured recording artist for nine (9) of the titles. He named other performers as the featured recording artists for the remaining forty-nine (49) titles. I reviewed the 2015 SoundScan record sales data in the AARC Royalty Distribution System, searched each title. My findings are as follows:

¹ Nielsen, <http://www.nielsen.com/content/corporate/us/en/solutions/measurement/music-sales-measurement.html> (last visited June 13, 2017) (stating, "In addition to monitoring radio airplays, online streaming and music consumer behavior, Nielsen is the authority in tracking what music people are buying both in-store and digitally. Nielsen compiles data from more than 39,000 retail outlets globally, to help record labels, publishers, artists, artist management and performance rights organizations understand what albums, singles and music videos people are buying, and where they're buying them. On a weekly basis, Nielsen collects point-of-sale (POS) data in nineteen (19) countries across the U.S., Canada, Europe and Oceania. In the U.S. and Canada, physical and digital titles from venues, mass merchants, retail chains, independent record stores and digital download providers can be viewed by UPC, ISRC, artist, market, retailer type or genre. In Europe and Oceania, digital track and song sales are available in Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, the U.K., Australia and New Zealand. For more than two decades, Nielsen's sales tools have been a trusted and vital resource for companies that want a full picture of music sales, overall market performance and artist activity. Nielsen's data serves as a major source for the Billboard charts and is widely cited by numerous publications and broadcasters as the standard for music industry measurement.").

- i. I found 706 total record sales for the nine (9) titles that Herman Kelly listed in his claim, and for which he identified himself as the featured recording artist.
 - ii. I found 156,335.54 total record sales for the forty-nine (49) titles that Herman Kelly listed in his claim, but for which he did not identify himself as the featured recording artist.
 - iii. I found fifteen (15) total record sales for one title for a featured artist named Herman Kelly. This title was not listed in his claim.
 - iv. In searching Herman Kelly's name as a featured recording artist in the 2015 SoundScan sales data, I also found sales for titles identifying a featured recording artist named "Herman Kelly & Life." These titles were the same as the nine titles listed with Herman Kelly as the featured artist, in Herman Kelly's claim. However, SoundScan identified Herman Kelly & Life as the featured artists for these particular sales. The total record sales for these Herman Kelly & Life nine titles is forty-three (43) units.
 - b. Therefore, the total 2015 record sales I found for Herman Kelly as a featured recording artist is 157,099.54 units.
- 4. I have reviewed the 2015 SoundScan record sales data in the AARC Royalty Distribution System, based on the following copyright owner Non-Settling Claimants' claims, and found as follows:
 - I. George Clinton
 - a. I searched the titles listed in George Clinton's copyright owner claim and found 1,136 total record sales.
 - b. I then searched the name George Clinton, as a copyright owner and found 158 total record sales for titles other than those listed in his claim.
 - c. Therefore, the total 2015 record sales I found for George Clinton as a copyright owner is 1,294 units.
 - II. C Kunspyruhzy-George Clinton
 - a. I searched the titles listed in C Kunspyruhzy-George Clinton's copyright owner claim and found 3,858 total record sales.
 - b. I searched the name C Kunspyruhzy-George Clinton as a copyright owner and found 24,878 total record sales for titles other than those listed in his claim.
 - c. Therefore, the total 2015 record sales I found for C Kunspyruhzy-George Clinton as a copyright owner is 28,736 units.

III. Herman Kelly

- a. I searched the fifty-eight (58) titles listed in Herman Kelly's copyright owner claim and found as follow:
 - i. I found zero (0) total record sales for the nine titles that Herman Kelly listed in his claim, and for which he identified himself as the copyright owner.
 - ii. I found 747 total record sales for the nine titles that Herman Kelly listed in his claim, and for which he identified himself as the copyright owner. However, the copyright owner listed is "Afterschool Publishing Company," a copyright owner name under which Herman Kelly has filed in the past.
 - iii. I found 156,335.54 total record sales for the forty-nine titles that Herman Kelly listed in his claim, but for which SoundScan identifies a copyright owner other than Herman Kelly .
- b. I found fifteen (15) total record sales for one title for a copyright owner named "Afterschool Publishing Company." Herman Kelly did not list this title in his copyright owner claim.
- c. Therefore, the total record sales for Herman Kelly as a copyright owner is 157,099.54 units.

IV. Eugene Curry

- a. I searched the one title Eugene Curry listed in his copyright owner claim, "Somebody Loves You, Baby," and found that SoundScan identifies Universal Music Group as the copyright owner of this title. I found that this one title has 5,124 total record sales.
 - b. I searched the title "If I Didn't Have You" by artist Patti Labelle, which Eugene Curry has claimed copyright ownership of in filings with the Copyright Royalty Board and found twenty-two (22) total record sales.
 - c. I searched the name Eugene Curry, as a copyright owner, and found zero (0) total record sales for titles other than those listed in his claim.
 - d. Therefore, the total record sales for Eugene Curry as a copyright owner is 5,146 units.
5. The 2015 universe of record sales for all the claimants to the 2015 Featured Recording Artists Subfund is 820,674,723 record sales. This total includes the record sales of the featured recording artists Settling Parties, as defined in AARC's "Notice of Settlement and Request for Partial Distribution of the 2015 DART Sound Recordings Fund Featured Recording Artists and Copyright Owners Subfunds Royalties," and the 157,099.54 total record sales for Herman Kelly, the sole Non-Settling Featured Recording Artist Claimant .

The 2015 universe of record sales for all the claimants to the 2015 Copyright Owners Subfund is 887,533,449 record sales. This includes the record sales of the copyright owners Settling Parties, as defined in AARC's "Notice of Settlement and Request for Partial Distribution of the 2015 DART Sound Recordings Fund Featured Recording Artists and Copyright Owners Subfunds Royalties," and the 192,275.54 total record sales for the Non-Settling Claimants.

I declare under penalty of perjury that the foregoing is true and correct.



Michael Stern

6/21/17

Date



Notary Public



City of Alexandria

Commonwealth of Virginia

Certified this 21st day of June, 2017



Notary Public

My commission expires: 8/31/20